

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

DENNIS VAN JENKINS

PETITIONER

vs.

CASE NO. 5:05CV00145GH

LARRY NORRIS


RESPONDENT

**ORDER**

On September 15, 2005, the Magistrate Judge issued his proposed findings and recommendations recommending that the petition for writ of habeas corpus be dismissed without prejudice for failure of petitioner to serve respondent by September 10<sup>th</sup> as directed. Petitioner has filed objections to the Report and Recommendations, stating that he had served respondent on September 2, 2005, but failed to file the affidavit of service.

In light of the following, the Court finds that petitioner can proceed with his action and rejects the findings and proposed recommendation of the Magistrate Judge. The case is referred to the Magistrate Judge for further proceedings. Respondent's motion for extension of time to file an answer is granted; respondent shall have until October 24, 2005 to file his response to the petition.

IT IS SO ORDERED this 27<sup>th</sup> day of September, 2005.

  
UNITED STATES DISTRICT JUDGE